

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

ADIB AKBARI,

Plaintiff,

v.

RENATE ARNOLD,

Defendant.

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No. 3:12-cv-0768

Judge Sharp

Magistrate Judge Bryant

ORDER

Pending before the Court is a Report and Recommendation (“R & R”) of the Magistrate Judge, recommending that Defendant Arnold’s counterclaim be dismissed. Specifically, the R & R provides,

In this case, the undersigned Magistrate Judge finds that dismissal of the Defendant’s counterclaim is an appropriate sanction for Defendant’s failure to follow orders of the Court. As grounds, the undersigned notes that Defendant Arnold has persisted in failing to serve responses to written discovery, has failed to respond in opposition to Plaintiff’s motion to compel discovery, and has failed to respond to Plaintiff’s motion to dismiss the counterclaim as a sanction.

For the reasons stated above, the undersigned recommends that Plaintiff’s motion to dismiss counterclaim (Docket Entry No. 37) be granted and the counterclaim be dismissed.

The undersigned further recommends that, to the extent that Plaintiff’s motion also seeks an award of monetary sanctions and attorneys’ fees, this request should be denied.

(Docket Entry No. 52). No objections were made to the R & R.

Where no objections are made to the R & R, “[t]he district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the

magistrate judge with instructions.” Fed. R. Civ. P. 72(b). Having thoroughly reviewed the record in this case and the applicable law in accordance with Rule 72(b), the Court will accept the R & R.

Accordingly, the Court hereby rules as follows:

(1) The Report and Recommendation (Docket Entry No. 52) is hereby ACCEPTED and APPROVED;

(2) Plaintiff’s motion to dismiss counterclaim (Docket Entry No. 37) is hereby GRANTED, and Defendant Renate Arnold’s counterclaim is hereby DISMISSED;

(3) To the extent Plaintiff’s motion seeks an award of monetary sanctions and attorneys’ fees, this request is hereby DENIED; and

(4) Plaintiff’s motion to ascertain status of the motion to dismiss (Docket Entry No. 43) is hereby DENIED AS MOOT.

This action is hereby returned to the Magistrate Judge for further pretrial management in accordance with Local Rule 16.01.

It is SO ORDERED.

A handwritten signature in black ink that reads "Kevin H. Sharp". The signature is written in a cursive, slightly stylized font. The first name "Kevin" is written with a large 'K' and the last name "Sharp" is written with a large 'S'.

KEVIN H. SHARP
UNITED STATES DISTRICT JUDGE